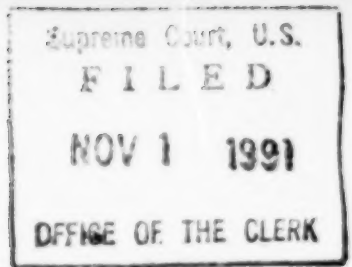


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No. 91-535



In The
Supreme Court of the United States

October Term, 1991

ALAN B. BURDICK,

Petitioner,

v.

MORRIS TAKUSHI, Director of Elections, State of
Hawaii; JOHN WAIHEE; Lieutenant Governor of Hawaii,
BENJAMIN CAYETANO, in his capacity as Lieutenant
Governor of the State of Hawaii,

Respondents.

Petition For A Writ Of Certiorari To The United States
Court Of Appeals For The Ninth Circuit

BRIEF OF EUGENE McCARTHY, DR. BENJAMIN
SPOCK, JOHN G. SCHMITZ, SONIA JOHNSON,
LIBERTARIAN PARTY NATIONAL COMMITTEE,
LIBERTARIAN PARTY OF HAWAII, SOCIALIST
WORKERS PARTY, AMERICAN PARTY,
PROHIBITION PARTY, SOCIALIST PARTY,
TED ERUM, MARIA HUSTACE, AND THE
COALITION FOR FREE AND OPEN ELECTIONS AS
AMICI CURIAE IN SUPPORT OF THE PETITION

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CONSENT TO FILING BRIEF AMICI CURIAE

All parties to the instan' cause have consented to the filing of this brief of the Amici Curiae as evidenced by the filing of the Consent to Filing of Brief Amici Curiae herein.

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INTEREST OF THE AMICI

All amici have, or have had, a direct stake in the outcome of whether or not write-in votes will be permitted in Hawaii and throughout the United States, since all amici except the Coalition for Free & Open Elections have at times been desirous of receiving votes in Hawaii, have not been able to qualify for the ballot in Hawaii, and have not even been able to obtain write-in votes there.

Hawaii does not permit write-in votes. In addition, Hawaii has severe restrictions on ballot access at the general election for new political parties and independent candidates. This unhappy combination has meant that amici (political parties or candidates for office in past elections) have neither been able to appear on the ballot in Hawaii (or, in the case of the Libertarian Party of Hawaii, would not have been able to appear without litigation), nor to receive write-in votes in that state.

Amici Ted Erum and Maria Hustace were independent candidates for Hawaii state office who tried and failed to qualify for the general election ballot. Each brought lawsuits to overturn the ballot access restrictions that kept them from being on the general election ballot, but did not succeed.¹

Amici Benjamin Spock, John G. Schmitz, and Libertarian Party of Hawaii each desired to appear on the Hawaii general election ballot but were unable to qualify. Each brought a lawsuit against Hawaii ballot access restrictions. The lawsuit brought by Benjamin Spock won,

¹ Hustace v. Doi, 588 P.2d 915 (Hi., 1978); Erum v. Cayetano, 881 F.2d 689 (9th Cir. 1989).

but not until after the election at which Spock desired to be on the ballot.² The lawsuit brought by John G. Schmitz was not won.³ The lawsuit brought by the Libertarian Party of Hawaii⁴ resulted in an injunction to put the party on the 1986 general election ballot, but no declaratory relief against the problems complained of was ever obtained, and one of the problems complained of (the early deadline for new parties to qualify) still exists in Hawaii law.

Amici Libertarian Party⁵, American Party⁶ and Prohibition Party⁷ have all successfully litigated in other states to obtain the right to receive write-in votes for their presidential candidates. Amicus Socialist Workers Party successfully litigated in another state to receive write-in votes for candidates other than the party's presidential

² *People's Party v. Ariyoshi*, unreported Findings of Fact and Conclusions of Law of July 10, 1973, civil case no. 72-3620 (D. Hi., 1973).

³ *American Party v. State of New York*, 409 U.S. 909 and 1021 (1972), a case in which the American Party applied to the U.S. Supreme Court for an injunction to print its presidential candidate on the ballot of all states in which he had not qualified, including Hawaii.

⁴ *Libertarian Party of Hawaii v. Waihee*, unreported Order Granting an Injunction of July 21, 1986, civil case no. 86-0439 (D. Hi., 1986).

⁵ *Paul v. State of Indiana Election Board*, 743 F.Supp. 616 (S.D. Ind., Indianapolis Div., 1990).

⁶ *Williams v. Rhodes*, 290 F.Supp. 983 (S.D. Ohio, 1968).

⁷ *Munn v. Michigan Secretary of State*, unreported, case no. 51041 (Mich., Oct. 21, 1964).

candidate⁸. Amicus Socialist Party successfully lobbied for legislation in another state (California) to allow valid write-in votes for presidential candidates. All of these amici political parties have nominated presidential candidates for 1992, or will do so soon. Amicus Eugene McCarthy has never directly litigated for the right to obtain write-in votes, but supporters of his 1976 independent presidential candidate litigated for the right to cast write-in votes for him in another state (Virginia) that year, and McCarthy supported such lawsuit.⁹ Sonia Johnson never litigated the right to cast write-in votes, but as the presidential candidate of the Citizens Party in 1984 she desired to receive votes in Hawaii and was unable to, due to her failure to qualify for the Hawaii ballot and the failure of Hawaii to permit write-in voting.

Amicus Coalition for Free & Open Elections (COFOE) is an unincorporated association of organizations and individuals, formed in 1985, to work for full and fair access to the electoral process.

I. SUMMARY OF ARGUMENT

The Ninth Circuit upheld Hawaii's ban on write-in voting partly because Hawaii seemed to that Court to have easy ballot access requirements. The purpose of amici's brief is to make this Court aware that the Ninth

⁸ *Dixon v. Maryland State Administrative Board of Election Laws*, 878 F.2d 776 (4th Cir. 1989).

⁹ *Saul v. State Board of Elections*, unreported, civil case no. 76-0494-R (E.D. Va., Oct. 28, 1976).

Circuit's analysis of Hawaii ballot access laws was factually incomplete, and as a result the decision was wrong.

The Ninth Circuit stated in its opinion, at page 419, "Hawaii election laws provide candidates with considerable ease of access to the ballot. If Burdick desires to vote for a particular candidate, that candidate need only be qualified for the office being sought and demonstrate a minimal amount of support to be placed on the ballot". This statement is supported by footnote 2, which states that individual candidates need 15 or 25 signatures to be placed on the primary election ballot, and that new parties also have easy ballot access, namely signatures equal to 1% of total registered state voters.

The Ninth Circuit failed to mention that independent candidate access to the Hawaii general election ballot (for office other than president) requires 10% support, from the ranks of voters who abstain from voting in a partisan primary. Hawaii Revised Statutes, sec. 12-41(b). There is an exception to this rule; the independent can also qualify if he or she outpolls a partisan primary winner. The Ninth Circuit also failed to mention that new political parties must submit their petitions 150 days prior to the date of the primary. Hawaii Revised Statutes, sec. 11-62(a)(1). On both points, Hawaii ballot access laws are the most severe in the nation.¹⁰

¹⁰ See Appendix at the back of this document.

II. ARGUMENT

A. Hawaii Ballot Access for Independent Candidates (for office other than president) is extraordinarily severe.

Ballot access to the general election for Hawaii independent candidates (for office other than president) is extraordinarily severe. Hawaii Revised Statutes, sections 12-5 and 12-41(b), provide that independent candidates must first run in the primary. All states have procedures for independent candidates to qualify for a place on the general election ballot. Hawaii and Washington are the only states in which an independent candidate must run in the primary election and must poll a certain number of votes in the primary, in order to advance to the general election ballot. Washington state procedures were upheld by this Court in *Munro v. Socialist Workers Party*, 479 U.S. 189 (1986). Hawaii procedures were upheld by the Hawaii Supreme Court in *Hustace v. Doi*, 60 Haw. 282, 588 P.2d 915 (1978) and by the Ninth Circuit in *Erum v. Cayetano*, 881 F.2d 689 (9th Cir. 1989). Hawaii procedures, unlike Washington procedures, require a 10% vote in the primary (by contrast, Washington state only requires 1%). In addition, Washington has a "blanket" primary, where a primary voter is free to vote for an independent candidate for one office, a Republican for a different office, and a Democrat for still a different office. *Munro* at 192. By contrast, Hawaii has an "open" primary, at which a voter is free to vote in the primary of any qualified party, or to vote in the non-partisan primary. However, once the primary voter has chosen, he or she is confined to casting all primary votes in that particular primary Sec. 12-31. Therefore, a primary voter who chooses a non-partisan

ballot (which is the only way to vote for an independent candidate) is unable to vote for any partisan candidate for any office.

The Hawaii 10% requirement, in combination with the requirement that voters who support an independent candidate lose the opportunity to vote in a partisan primary, is so severe, that no independent candidate has ever met the requirement. However, sec. 12-41(b) provides a "loophole": an independent who, at the primary election, outpolls a winner of a partisan primary may also advance to the general election ballot. Since statehood, ten independent candidates have qualified for the general election ballot under this "loophole"¹¹. All ten qualified by outpolling a primary winner of a minor party primary. Since typically fewer than one-tenth of 1% of primary voters ever choose to vote on a minor party primary, it is fairly easy for an independent candidate to outpoll the winner of a minor party primary. Generally, though, there are no minor party primary candidates for most offices, so usually the loophole is not available.

No state other than Hawaii requires a showing of support, for an independent candidate to qualify for the

¹¹ The independents who qualified under the "loophole" were James Kimmel for U.S. Senate in 1976, James Abraham for Maui Council in 1976, Leota/Taylor for Governor/Lt. Gov. in 1978, Maria Hustace for Maui Council in 1980, William Leialoha for Honolulu Mayor in 1980, Greg Mills for Congress in 1982, Wade Christensen for Honolulu Council in 1982, Ross/Kimmel for Governor/Lt. Gov. in 1990, David Crowley for Hawaii Mayor in 1990, and Richard Akuna for Maui Mayor in 1990. Note that no independent candidate for the state legislature has ever qualified for the general election ballot.

general election ballot, greater than 5% of the electorate. See Appendix A.

B. Hawaii Ballot Access Requirements for New Parties are also Severe.

Hawaii requires that new political parties submit a petition signed by 1% of the number of registered voters as of the last general election. The petition is due 150 days before the primary. Sec. 11-62(a)(1). The Ninth Circuit characterized the 1% requirement as "easy" and did not mention the deadline. However, the 150 day advance time is the most severe deadline of any of the 50 states, for new party qualification for the ballot. No other state requires the petitions to be submitted earlier than 135 days before the primary (see Appendix B).

In 1986, the Libertarian Party of Hawaii attempted to qualify as a "new" political party, but had not collected a sufficient number of signatures by the deadline. The party filed a lawsuit, alleging the early deadline was unconstitutional, in the Hawaii Supreme Court. However, on June 10, 1986, that court refused to hear the case. *Libertarian Party of Hawaii v. Waihee*, no. 11435. The party then filed a lawsuit in U.S. District court, and won an injunction permitting it to collect signatures beyond the deadline. *Libertarian Party of Hawaii v. Waihee*, Civil no. 86-0439. The party then qualified for the ballot and has retained ballot status since under a law passed in 1986 which permits any party which has been on the ballot for three elections in a row, to be on the ballot for an additional ten years. Sec. 11-62(d). However, the Legislature

has not modified the 150 day before the primary provision, and no new party has succeeded in petitioning within that deadline since 1978. According to *Results of Votes Cast* for all election years 1980 through 1990, published by the Lieutenant Governor of Hawaii, no political parties other than the Democratic, Republican and Libertarian Parties participated in Hawaii elections during that period.

C. Hawaii Ballot Access Requirements for Independent Candidates for President are not as Severe as the laws for New Parties and for Other Independent Candidates, but they are not easy and have prevented Candidates with Considerable Support from qualifying.

Hawaii requires independent presidential candidates to qualify by submitting a petition signed by 1% of the last vote cast. Sec. 11-113(c)(2)(B). The petition is not due until 50 days prior to the general election. Although this is not a draconian requirement, it now requires over 4,000 valid signatures and is difficult enough to have prevented several third party or independent presidential candidates from appearing on the ballot in Hawaii, even though they had significant support and had qualified in many other states. Examples include former Congressman John G. Schmitz, 1972 American Party candidate; Benjamin Spock, 1972 Peoples Party candidate; former Senator Eugene McCarthy, 1976 independent presidential candidate; and Sonia Johnson, 1984 Citizens Party candidate.

Third party and independent presidential candidates depend on their ability to receive write-in votes, in order

to carry out a viable national campaign. This is because it is extremely rare for a third party or independent presidential candidate to appear on the ballot in all jurisdictions. Since 1916, there have been only three such candidates who appeared on the ballot in all jurisdictions (John B. Anderson and Ed Clark in 1980, and Lenora Fulani in 1988). Even George Wallace in 1968 failed to qualify in the District of Columbia.¹²

In 1951, California became the first state to formalize a procedure for the casting of valid write-in votes for president at the general election. Now codified in California Election Code 7310, the law provides that a write-in candidate for president at the general election must file a declaration of write-in candidacy and must submit a slate of presidential elector candidates who are pledged to him or her. A write-in vote for the presidential candidate is deemed to be a vote for that slate of candidates for elector. The law was suggested by the Socialist Party and has been enacted in over half the states¹³. Write-in votes

¹² See *Statistics of the Presidential Election of (year)* published by the Clerk of the U.S. House of Representatives for each election since 1912.

¹³ See Ariz.Rev.Stat. 16-312, Ark.Stat.Ann. 7-5-205, Cal.Elec.Code 7300ff, Colo.Rev.Stat. 1-4-1001, Ct. Gen.Stat.Ann. 9-175, Fla.Stat.Ann. 99.061(3), Ga.Code Ann. 21-2-133, Id. Code 34-702A, Ill.Ann.Stat. Ch. 46, sec. 17-16.1, Ind.Code Ann. 3-8-2-2.5, Md.Ann.Code art. 33, sec. 17-5(b), Mass.Gen.Laws Ann. Ch. 54, sec. 78a, Mo.Ann.Stat. 115.453(4), Mont.Code Ann. 13-10-211, Nebr.Rev.Stat. 32-428.10(2), N.M.Stat.Ann. 1-12-19.1A, N.Y.Elec.Law 6-153, N.C.Gen.Stat. 163-123(a), N.D. Century Code 16.1-12-02.2, Ohio Rev.Code 3513.041, Ore.Rev.Stat. 249.007, Tex.Elec.Code Ann. 192.036, Utah Code

(Continued on following page)

for president are sometimes cast in significant numbers. For example, independent presidential candidate Eugene McCarthy, who was not on the ballot in California, received 58,412 write-in votes for president in that state.¹⁴

Although the Ninth Circuit decision did not mention write-in votes for president, the decision is so sweeping that there is little doubt that the decision upholds a ban on write-in votes for president as well as for other office. However, even if a state had a genuine interest in banning write-in votes for other office, there is little justification for any one state to ban write-in votes for president. A ban on write-in votes for president threatens the right of a third party or independent presidential candidate to be able to receive votes in all states, since it is so rare that such a candidate qualifies for the ballot in every state. *Anderson v. Celebrezze*, 460 U.S. 780 at 795 (1983), held that "the State has a less important interest in regulating Presidential elections than statewide or local elections, because the outcome of the former will be largely determined by voters beyond the State's boundaries."

Other courts have upheld the right of a voter to cast a write-in vote for president at the general election. In *Munn v. Michigan Secretary of State*, unreported, Case no.

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Ann. 20-7-20, 2nd par., Wash.Rev.Code 29.04.180, Wis.Stat. Ann. 8.185(1). In addition, Michigan follows the 1964 order of its Supreme Court and tallies write-ins for presidential candidates who request such a tally, although there is no law or regulation on the subject.

¹⁴ See *Statement of Votes*, Nov. 1976, published by the California Secretary of State.

51041 (MI, Oct. 21, 1964), the Michigan Supreme Court ordered the Secretary of State to permit and count write-in votes cast for the Prohibition Party presidential candidate. In *Socialist Labor Party v. Rhodes*, 290 F.Supp. 983 (S.D. Ohio, 1968) a 3-judge court ordered the Ohio Secretary of State to permit and count write-in votes for all general election presidential candidates who filed a slate of electors pledged to vote for him or her in the electoral college. In *Kamins v. Board of Elections of the District of Columbia*, 324 A.2d 187 (1974), filed by voters who wished to vote for Dr. Benjamin Spock, Peoples Party 1972 presidential candidate, the District of Columbia Court of Appeals ordered the Board of Elections to permit and count write-in votes for president at the general election. In *Paul v. Indiana State Board of Elections*, 743 F.Supp. 616 (S.D. Ind., 1990), filed by voters who wished to vote for Dr. Ron Paul, Libertarian Party 1988 presidential candidate, the U.S. District Court ordered the State Board of Elections to permit and count write-in votes for president and other office. In *Grogan v. Graves*, unreported, case no. 90-2378-0 (D. Kan., 1990), the U.S. District Court ordered the Kansas Secretary of State to permit and count write-ins for President as well as for Governor.

III. CONCLUSION

This Court should grant Burdick's Petition for a Writ of Certiorari. Alternatively, if this Court feels that the Ninth Circuit decision did not accurately analyze all of the Hawaii ballot access laws, and that the issue of a ban on write-in votes is dependent on an analysis of the

state's ballot access laws, then this Court should remand the case.

Respectfully submitted,

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APPENDIX A

BALLOT ACCESS FOR STATEWIDE INDEPENDENT CANDIDATES OTHER THAN PRESIDENT

| STATE | LEGAL REQUIREMENT | CODE REFERENCE |
|-------|--------------------------------------|------------------------|
| Ala | 1% of number of registered voters | 17-7-1(a)(3) |
| Alas | 1% of last vote cast | 15.25.160 |
| Az | 1% of last vote cast | 16.341E |
| Ark | 10,000 signatures | 7-7-103(c)(2) |
| Cal | 1% of number of registered voters | elec. code 6831 |
| Colo | 1,000 signatures | 1-4-801 |
| Ct | 1% of last vote cast | 9-453(d) |
| Del | 1% of number of registered voters | Title 15, sec 3002 |
| Fla | 3% of number of registered voters | 99.096 |
| Ga | 1% of number of registered voters | 21-2-170(b) |
| Hi | 10% of vote cast in primary | Tit. 2, 12-6 & 12-41 |
| Id | 1,000 signatures | 34-708 |
| Il | 25,000 signatures | Ch. 46, sec. 10-3 |
| In | 2% of last secretary of state vote | 3-8-6-3 |
| Io | 1,000 signatures | Title 4, sec. 45.1 |
| Kan | 5,000 signatures | 25-303 |
| Ky | 5,000 signatures | Title 10, sec. 118.315 |
| La | just pay \$600; no petition needed | Title 18, sec. 465 |
| Me | 4,000 signatures | Title 21, sec. 494.5 |
| Md | 3% of number of registered voters | Art. 33, sec. 4B-1 |
| Ma | 1/2 of 1% of last gubernatorial vote | Chap. 53, sec. 6 |

App. 2

| | | |
|-----|--|-----------------------------|
| Mi | 1% of last gubernatorial vote | 168.590(b)2 |
| Mn | 2,000 signatures | 204B.08 |
| Ms | 1,000 signatures | 23-15-359 |
| Mo | 1% of last gubernatorial vote | Title 9, sec. 115.321 |
| Mt | 5% of 1988 gub. winner's vote | 13-10-502 |
| Neb | 2,500 signatures | 32-504(2)(c) |
| Nev | 3% of last congress vote | Title 24, sec. 293.200.2(c) |
| N H | 3,000 signatures | Title 4, sec. 655:42 |
| N J | 800 signatures | 19:13-5 |
| N M | 3% of last gubernatorial vote | 1-8-51, amended 1991 |
| N Y | 20,000 signatures | Chap. 17, sec. 6-142 |
| N C | 2% of number of registered voters | 163-122 |
| N D | 1,000 signatures | 16.1-11-30 |
| Oh | 5,000 signatures | 3513.257 |
| Ok | just pay \$1000; no petition needed | Tit. 26, 5-112 & 6-106 |
| Ore | 1,000 convention attendees | Title 23, sec. 249.735 |
| Pa | 2% of highest winner vote, last election | Title 25, sec. 2911 |
| R I | 1,000 signatures | 17-14-7 |
| S C | 10,000 signatures | 7-11-70 |
| S D | 1% of last gubernatorial vote | 12-7-1 |
| Tn | 25 signatures | 2-505 |
| Tx | 1% of last gubernatorial vote | Elec. code 142.007 |
| Ut | 300 signatures | 20-3-38 |
| Vt | 1,000 signatures | Title 17, sec. 2402(b) |

App. 3

| | | |
|------|------------------------------------|-----------------------|
| Va | 1/2 of 1% of number of reg. voters | 24.1-168 |
| Wa | 1% of vote cast in primary | 29.18.110 |
| W Va | 1% of last vote cast | 3-5-23 |
| Wis | 2,000 signatures | Title 2, sec. 8.20(4) |
| Wy | 5% of last congress vote | 22-4-402(d) |
| DC | 1% of number of registered voters | 1-1312(j)(1) |

This chart shows the legal requirements to qualify a state-wide independent candidate for the general election ballot (for office other than president). All requirements are signatures on a petition, except for Louisiana and Oklahoma (filing fees only) and Hawaii and Washington (where the requirements are minimum votes an independent must poll in the primary).

APPENDIX B

DEADLINES FOR NEW PARTIES TO
QUALIFY FOR THE BALLOT

| STATE | LEGAL REQUIREMENT | CODE REFERENCE |
|-------|---|----------------------|
| Ala | undetermined; see <i>NAP v. Hand</i> | 933 F.2d 1568 (1991) |
| Alas | primary day; see <i>Sykes v. Lt. Gov.</i> | 1991 Lt. Gov. ruling |
| Az | 115 days before primary | 16.803B |
| Ark | first Tues. in May (primary is in May) | 7-1-101(1)(B) |
| Cal | 135 days before primary | elec. code 6430 |
| Colo | 1 week before primary | 1-4-801e & h |
| Ct | 32 days before primary | 9-405 & 9-453i |
| Del | 21 days before primary | Title 15, sec. 3001 |
| Fla | 49 days before primary | 99.096 |
| Ga | second Tues. in July (primary in Sept.) | 21-2-187 |
| Hi | 150 days before primary | Tit. 2, 11-62(a)(1) |
| Id | August 31 (primary is in May) | 34-501(c)(D) |
| Il | 92 days before general election | Ch. 46, sec. 10-6 |
| Ind | July 15 (primary is in May) | 3-8-6-10 |
| Io | 81 days before general election | Title 4, sec. 44.4 |

| | | |
|------|---|---------------------------|
| Kan | 111 to 117 days before primary | 25-302a, 303, 205 |
| Ky | undetermined; see <i>Libt Pty v. Ehrler</i> | Sep. 1991 fed. ct. ruling |
| La | statute does not indicate a deadline | Title 18, sec. 441 |
| Me | primary day | Title 21, sec. 354.8 |
| Md | first Monday in August | Art. 33, sec. 7-1(c) |
| Ma | 14 weeks before general election | Chap. 53, sec. 7 |
| Mich | 110 days before general election | 168.685 |
| Mn | primary day | 204B.09 |
| Ms | statute does not indicate a deadline | 23-15-1051 |
| Mo | first Monday in August | Title 9, sec. 115.329 |
| Mt | 82 days before primary | 13-10-601 |
| Neb | August 1 (primary is in May) | 32-526 |
| Nev | 65 days before 2nd Fri. in August | Sec. 293.1715.2(c) |
| N H | 34 days before primary | Title 4, sec. 655:43 |
| N J | 54 days before primary | 19:13-9 |
| N M | second Tues. in July (primary is in June) | 1-7-4,1-8-2,1-15-3 |
| N Y | 11 weeks before general election | Chap. 17, sec. 6-158.9 |
| N C | 2nd Thursday in July | Bd. Elec ruling 9/16/91 |
| N D | 60 days before primary | 16.1-11-30 |

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| | | |
|------|---|------------------------|
| Oh | 120 days before primary | 3517.01 |
| Ok | May 31 (primary is in August) | Tit. 26, 1-108.2 |
| Ore | 70 days before general electio | Title 23, sec. 249.722 |
| Pa | August 1 (fed ct ruling, <i>Libt Pty v. Davis</i>) | unreported 1984 case |
| R I | 54 days before primary | 17-14-12 |
| S C | six months before general election | 7-9-10 |
| S D | first Tuesday in April (primary in June) | 12-5-1 |
| Tn | statute does not indicate a deadline | 2-13-107 |
| Tx | 75 days after first primary | Elec. code 181.005 |
| Ut | April 15 (primary is first week in Sep.) | 20-3-38 |
| Vt | 47 days before general election | Title 17, sec. 2386 |
| Va | second Tues. in June | 24.1-166 & 168 |
| Wa | Sat. bef. last Monday in July | 29.24.020, 29.18.030 |
| W Va | day before primary | 3-5-24 |
| Wis | June 1 | Title 2, sec. 5.62(2) |
| Wy | May 1 (primary is in August) | 22-4-402(d) |
| DC | 69 days before general election | 1-1312(j) |

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This chart shows the deadline for a new party to qualify for the ballot. In some states, the deadline for a new party to qualify for the purpose of running a presidential candidate, is different than the deadline to qualify for other office. In such states, this chart shows the non-presidential deadline. Maine has two procedures to qualify a new party for any office; the later one is shown.
